IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17501 of 2004

Between:

T. Chandraiah S/o. Sambasivaiah
Hindu, aged about 41 years, Occ: Business,

R/o. D.No.4-4-1089, Nehru Nagar, Tirupathi, Tirupathi Urban Mandal,
Chittoor District.

..... PETITIONER

AND

Tirumala Tirupathi Devastanam,

Represented by its Executive Officer,
Tirupathi, Chittoor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in evicting the petitioner from the bunk with 4x 6 feet at S.V. Guest House, Tirupathi without even issuing any notice and without passing any orders on the requisition letter of the petitioner dated 14-06-2004 for renewal of the licence without any reason or basis as illegal, unjust, arbitrary, discriminative, extraneous and consequently to direct the respondent not to evict the petitioner from the bunk with 4x 6 feet at S.V.Guest House, Tirupathi with further direction to the respondent to renew the licence.

Counsel for the Petitioner: MR.L.J.VEERA REDDY

Counsel for the Respondent: MR.M.ADINARAYANA RAJU

The Court at the admission stage made the following:

ORDER:

The petitioner who claims to be the licencee in respect of a small bunk of 4 feet X 6 feet at Tirupathi for running a shop to sell eatables, cool drinks, tea etc., filed this writ petition seeking a declaration that the alleged action of the respondent-Tirumala Tirupathi Devastanam, Tirupathi, Chittoor District in evicting him from the said premises is arbitrary and illegal.

It is not in dispute that the petitioner was granted a licence by the respondent in the year 1996 for a period of one year from 01-05-1996 to 30-04-1997 to install the said bunk at Alipiri Bus Stand. It appears that even prior to that he was running a shop in T.T.D. Choultry and when steps were taken by the respondent to recover the possession, he filed a suit-O.S.No.137 of 1994 on the file of the Court of the

Principal Junior Civil Judge, Tirupathi, seeking permanent injunction. However, the suit was withdrawn by him on the assurance given by the respondent that he would be granted a licence for running the shop at Alipiri Bus Stand. The petitioner states that though he was assured that the licence would be granted in the premises at Alipiri Bus Stand, Tirupathi, he was permitted to run the business at a different place i.e., S.V. Guest House. He claims that the licence dated 25-04-1996 was extended year after year and he spent considerable amounts to make the premises fit for running the business. He has also been paying the licence fees regularly. Now the grievance of the petitioner is that though he made a request for renewal of licence for further period beyond 23-06-2004, the respondent, without passing any order on his application for renewal, is taking steps to evict him from the premises in question. Hence, this writ petition.

I have heard the learned counsel appearing for the petitioner and Mr. M. Adinarayana Raju, learned counsel appearing for the respondent.

Admittedly, the licence period has already expired. However, the only contention raised by the learned counsel for the petitioner is that the application dated 14-06-2004 made by the petitioner for renewal of the licence is pending with the respondent and therefore, the action of the respondent in taking steps to evict the petitioner from the premises in question is arbitray and illegal.

It is relevant to note that the petitioner has already filed O.S.No.1191 of 2004 in the Court of the Principal Junior Civil Judge, Tirupathi, seeking a decree for permanent injunction restraining the respondent-TTD from interfering with his possession. However, the application for temporary injunction, pending the said suit was dismissed on 17-08-2004 on contest. Having failed to get the relief before the competent civil Court, and having failed to challenge the said order of dismissal of I.A.No.1390 of 2004 in O.S.No.1191 of 2004, the petitioner strangely invokes the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for the same

relief.

Having heard the learned counsel for both the parties and on the basis of the material available on record, I am of the view that the writ petition is misconceived and without any merit. The petitioner cannot be permitted to pursue two parallel remedies at the same time. At any rate, on the basis of the material on record, no case is made out to establish that there is infringement of any legal right acquired by the petitioner so as to maintain the proceedings under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. However, this shall not preclude the respondent from considering the application, dated 14-06-2004, made by the petitioner for renewal of the licence for further period. No costs.

(G. ROHINI, J)

Date: 29-09-2004

ghn

To

1 The Executive Officer,
Tirumala Tirupathi Devastanam,

Tirupathi, Chittoor District.

2 Two CD copies